

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

IN RE: Volkan Turan ) CHAPTER 13  
 )  
 ) CASE NO. 23-80007  
 )  
Debtor(s). )

**NOTICE OF TRUSTEE'S MOTION TO CONVERT CASE TO CHAPTER 7**

Please take notice that on June 1, 2023, at 10:00 a.m., I will appear before the Honorable Thomas M. Lynch, or any judge sitting in that judge's place, either in courtroom 3100 of the Stanley J. Roszkowski U.S. Courthouse, 327 S. Church St. Rockford, IL 61101, or electronically as described below, and present the motion of **TRUSTEE'S MOTION TO CONVERT CASE TO A CHAPTER 7** a copy of which is attached.

**All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government (audio only).**

**To appear by Zoom using the internet**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

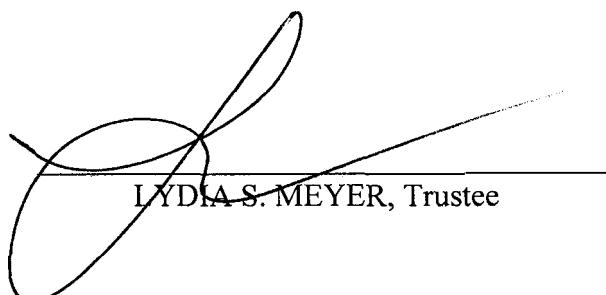
**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 160 291 5226, and the passcode is 852255. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Date: May 25, 2023

LYDIA S. MEYER, Trustee  
308 West State Street, Suite 212  
Post Office Box 14127  
Rockford, IL 61105-4127  
Telephone: 815/968-5354  
Fax: 815/968-5368



LYDIA S. MEYER, Trustee

CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury under the laws of the United States of America that a copy of this notice and motion was mailed to the debtor(s) in envelopes addressed as indicated on the attached list bearing first class postal indicia on the 25th day of May 2023. A copy of the notice and motion was served via CM/ECF on the debtor's attorney of record whose name is listed on the attached on the 25<sup>th</sup> day of May 2023. and on each entity shown on the attached list at the address shown and by method indicated on the list on the 25th day of May 2023.

LYDIA S. MEYER, Trustee  
308 West State Street, Suite 212  
Post Office Box 14127  
Rockford, IL 61105-4127  
Telephone: 815/968-5354  
Fax: 815/968-5368

Lydia S. Meyer

Service List:

Volkan Turan	5 Barrington Bourne	Barrington, IL 60010			
CHRISTIAN AND LAUREEN CARINI	5357 W. DEVON AVE.	CHICAGO, IL 60646			
TATYANA RIVTIS	21923 WEST TORI LANE	DEER PARK, IL 60010			
PAUL M. BACH	paul@bachoffices.com	pnbach@bachoffices.com	<u>bacheclf@gmail.com</u>	<u>bachlaw@stratusbk.com</u>	<u>bachpr57277@notify.bestcase.com</u>
AVA LOUISE CAFFARINI	caffarinia@jbltd.com				
EDWARD H. CAHILL	amps@manleydeas.com				
DAVID R. HERZOG	drh@dherzoglaw.com	dherzoglaw@gmail.com			
PATRICK S. LAYNG	USTPRegion11.MD.ECF@usdoj.gov				
JOSEPH MARCONI	marconij@jbltd.com	kotsiovost@jbltd.com			
TIMOTHY R. YUEILL	timothyy@nevelliaw.com				

UNITED STATES BANKRUPTCY COURT  
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IN RE: ) CHAPTER 13  
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VOLKAN TURAN ) CASE NO. 23-80007  
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**TRUSTEE'S MOTION TO CONVERT CASE BACK  
TO A CHAPTER 7**

NOW COMES Lydia S. Meyer, the standing Chapter 13 Trustee for the United States Bankruptcy Court for the Northern District of Illinois, Western Division, and as for her Motion to Convert case back to a Chapter 7 states as follows:

1. The debtor(s) filed for Chapter 13 relief on 1/ 5/23.
2. The 341 (a) Meeting of Creditors held on 5/24/2023 was...  
 Concluded  
 Taken off calendar  
 Continued to \_\_\_\_\_.
3.  The debtor(s) failed to appear [11 USC 341(a)] for 341 meeting on \_\_\_\_\_.
4.  The debtor(s) failed to commence Chapter 13 Plan payments [11 USC 1326(a)(1)].
5.  The debtor(s) is/are delinquent in the Chapter 13 Plan payments.
6.  The post-petition payments to secured creditors are delinquent.
7.  The debtor(s) is/are not eligible for Chapter 13 [11 USC 109(e)(g)].
8.  The trustee objects to the exemption(s) claimed [B.R. 4003(b)]
9.  The Debtors/Husband/Wife are not entitled to a discharge.
10. The plan filed 4/24/2023 by the debtor(s) fails to meet confirmation requirements and the Trustee objects to confirmation of the Chapter 13 plan for the following reasons:  
 The proposed Chapter 13 Plan is not feasible [11 USC 1325(a) (6)] as the debtor(s) lacks sufficient regular income [11 USC 109(e)] and/or debtor(s) cannot afford plan payments \_\_\_\_\_  
 The Chapter 13 Plan unfairly discriminates against class of general unsecured claims [11 USC 1322(b)(1)].  
 Plan pays creditor \_\_\_\_\_ as secured beyond value of collateral.  
 Plan proposes to pay \_\_\_\_\_ at 100% while other unsecured creditors receive less than 100%.  
 Plan proposes to pay \_\_\_\_\_ directly which results in that creditor being paid 100% while other unsecured creditors are being paid less than 100%.

LIQUIDATION -

- Proposed Chapter 13 plan fails to meet liquidation value [11 USC 1325 (a)(4)]  
 Non-exempt equity \$ \_\_\_\_\_ Plan only paying \$ \_\_\_\_\_  
 Must be 100%  
 Must be 100% with interest  
 Fair market value of real estate higher per tax assessment than listed on schedule A.  
 Other \_\_\_\_\_

DISPOSABLE INCOME -

Proposed Chapter 13 plan fails to provide that all of debtor(s)' projected disposable income to be received during the applicable commitment period will be applied to make payments to unsecured creditors under the plan, [11 USC 1325 (b)(1)(B)] or no cause to extend.

Income higher for debtor/wife/husband per profit and loss 2023 year to date by \$5865/month  
 Unreasonable expenses \_\_\_\_\_

Proof of following expenses required tax listed of \$500 on line 16 of Schedule j  
\_\_\_\_\_

401k loan deduction \$ \_\_\_\_\_ - Plan payment should increase when 401k loan is paid.

Tax Refunds above \$2,000 should be paid into plan in addition to plan payments.

Other The 3rd box should be checked in plan para ph 5.1 to insure the debtor pays in all disposable income for the minimum months required.

Below Median Debtor

Excess per I/J = \$ \_\_\_\_\_  
 Plan payments only \$ \_\_\_\_\_  
 Other \_\_\_\_\_

Above Median Debtor

Plan proposed is not 60 months.  
 Plan payment is insufficient – Debtor's actual monthly income minus IRS allowances requires plan payment of \$ \_\_\_\_\_; Plan proposes payment of \$ \_\_\_\_\_  
 Following expenses are inconsistent between schedules I/J and form 122C2 \_\_\_\_\_  
 Following lines are incorrect on 122C1/122C2: \_\_\_\_\_

Amended 122C1 Required.  
 Other Based on documents provided, it is impossible to decipher if debtor is above or below median so trustee will require a 60 month plan

Cannot be determined if above or below median income or if disposable income requirement met in above median case  
 Need proof of income for prior 6 months  
 Number in household in question  
 Amended 122C1 required \_\_\_\_\_

PLAN PROBLEMS -

Plan fails to provide for following secured creditors TATYANA RIVTIS  
FILED COURT CLAIM #2

Plan fails to provide for full payment of all claims entitled to priority as required by Section 507(a)(1)(B).

Plan fails to provide for fixed monthly installments for all secured creditors in paragraph 3.1, 3.2, 3.3, and 3.4 [11 USC 1325 (a)5].

Following claims will not be paid off within plan term at fixed monthly payment amount. \_\_\_\_\_

Plan payment is insufficient to cover all fixed payments to creditors and Trustee's fees.

- The Plan fails to include the following language - "The Plan will conclude before the end of the initial term only as such time as allowed claims are paid in full with interest required by the plan."
- The proposed Chapter 13 plan will not complete within 60 months [11 USC 1315(a)4].
- The plan proposes to pay certain creditors as secured. The documents indicated below are needed for the following creditors:
  - Timely filed Proof of Claim  
(Creditor)  Security Documents
  - Timely filed Proof of Claim  
(Creditor)  Security Documents
  - Timely filed Proof of Claim  
(Creditor)  Security Documents
- The following creditors listed in 3.2 and/or 3.4 did not receive notice pursuant to Rule 7004: \_\_\_\_\_
- The plan was not noticed to all creditors.
- Notice was not provided to: \_\_\_\_\_
- Debtor failed to list and provide notice to: IRS AND IDR
- The following boxes are not checked:
  - The debtor(s) has/have failed to file Chapter 13 Plan in good faith. [11 USC 1325 (a) (3)] The debtor's business records are impossible to decipher. The\*\*
  - Prior bankruptcy filings by debtor(s) \_\_\_\_\_
- Other: statute of limitations to avoid fraudulent transfers of real estate to trust must be preserved with signed waivers
- Debtor(s) have failed to produce the following documents required by 11 USC 1308(a)2, 521(e)2(A) and 521(a)1(B)1v:
  - Proof that the debtor(s) filed the last 4 years of tax returns – 11 USC§1307(e) states that the Court shall dismiss or convert a case to Chapter 7 upon the debtor's failure to file no later than the day before the date of the original creditors meeting all tax returns for all taxable periods ending during the 4 year period ending on the date of the filing of the petition.
  - Copy of Federal income tax return for for nonfiling spouse to verify she has no income Pursuant to 11 USC§521(e)2(B), if the debtor fails to provide the most recent tax return 7 days before original first meeting of creditors, the Court shall dismiss the case unless the debtor shows that the failure to comply is "due to circumstances beyond the control of the debtor."
  - Paycheck stubs – Pursuant to 11 USC 521, debtor's failure to file copies of all payment advices or other evidence of payment received within 60 days before the filing of the petition by the debtor from any Employer shall result in the automatic dismissal of the case on the 46<sup>th</sup> day after the date of the filing of the petition.
  - The debtor(s) has/have failed to cooperate with the trustee [11 USC 521(a) (3)] as the following document(s) was/were not provided:
    - Acceptable certificate that debtor has completed the requisite debtor briefing [11 USC 109(h)1]
    - Amended schedule E listing name and address of the holder of any domestic support obligation.

\*\*debtor deposits business receipts in numerous business bank accounts for business that are closed and then transfers funds from one business account to another. In addition, the debtor pays numerous personal expenses out of his business accounts. The business accounting practices must be modified so that an analysis can be done as to the receipts, expenses and profit from his businesses.

- Certification that the debtor has paid all amounts required to be paid under a domestic support obligation [11 USC 1325(a)8] or that the debtor(s) have no domestic support obligations
- Paycheck stubs
- Proof of Income from \_\_\_\_\_
- Profit and Loss statements and bank statements monthly postpetition
- Business Questionnaire and all attachments
- Proof of Social Security number
- Other Corporation have been closed and account opened for Mint Renovation; copies of contracts for all pending projects for all businesses; \*\*

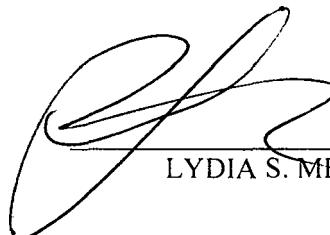
11.  Attorney's Fees Issues – Listed here for informational purposes only – these issues will not bar confirmation:

- No fee application filed
- Fee Application not noticed
- Fee application and order are inconsistent
- Other \_\_\_\_\_

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WHEREFORE, the Trustee requests that this case be converted back to a

Chapter 7.



LYDIA S. MEYER

LYDIA S. MEYER, Trustee  
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\*\*status of the following corporations: Encore Technology International Corporation, Florida Domestic Profit Corporation, Mint Contracting Corporation, Mint International Network and Technology Corporation, Mint State Corporation, Simurity Technologies Corporation, United States Construction Corp and Vmas Productions, LLC and bank statements for any or all of these businesses.